

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

LENSCRAFTERS, INC.; and EYEXAM
OF CALIFORNIA, INC.;

Plaintiffs,

vs.

LIBERTY MUTUAL FIRE INSURANCE
COMPANY; EXECUTIVE RISK
SPECIALTY INSURANCE COMPANY;
UNITED STATES FIRE INSURANCE
COMPANY; MARKEL AMERICAN
INSURANCE COMPANY; and
WESTCHESTER FIRE INSURANCE
COMPANY,

Defendants.

Case No. C-07-2853 SBA
The Honorable Sandra B. Armstrong

E-FILING

**[PROPOSED] CASE MANAGEMENT
CONFERENCE ORDER**

Date: April 15, 2008
Time: 1:00 p.m.
Courtroom: 3

1 Plaintiffs LensCrafters, Inc.'s and EYEXAM of California, Inc.'s (collectively,
2 "LensCrafters") Motion to Continue April 23, 2008 Case Management Conference came on for
3 hearing before this Court on Tuesday, April 15, 2008 at 1:00 p.m.

4 The Court, having considered all of the papers submitted in connection with the motion
5 and having heard the argument of counsel, determines that the Case Management Conference
6 currently set on April 23, 2008 should remain on calendar as previously ordered. Accordingly,
7 the Court hereby **DENIES** LensCrafters' motion and further **ORDERS** the parties to appear on
8 April 23, 2008 to discuss the following:

- 9 1. The voluntary exchange of policy information;
- 10 2. A meet and confer within the next 120 days on potential policy interpretation
11 issues presented by the policies and underlying facts, specifically identifying any issues that are
12 purely legal and might easily be summarily adjudicated;
- 13 3. A meet and confer within the next 120 days on the status of the settlement in the
14 underlying action entitled *Snow, et al. v. LensCrafters, Inc., et al.*, San Francisco Superior Court
15 Case No. CGC-02-40554; and
- 16 4. The date for a further Case Management Conference in this matter.

17 **IT IS SO ORDERED.**

18
19 DATED: _____

SAUNDRA BROWN ARMSTRONG
United States District Judge

PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is One Maritime Plaza, Third Floor, San Francisco, California 94111-3492.

On March 25, 2008, I served the following document described as:

[PROPOSED] ORDER DENYING LENS CRAFTERS' MOTION TO CONTINUE CASE MANAGEMENT CONFERENCE

☒ VIA THE UNITED STATES DISTRICT COURT ELECTRONIC FILING SERVICE on interested parties in this action as set forth below:

Richard DeNatale, Esq.
Celia M. Jackson, Esq.
Heller Ehrman LLP
333 Bush Street
San Francisco, CA 94104-2878
Telephone: (415) 772-6000
Facsimile: (415) 772-6268

Terrence R. McInnis, Esq.
Ross, Dixon & Bell, LLP
5 Park Plaza, Suite 1200
Irvine, CA 92614
Telephone: (949) 622-2700
Facsimile: (949) 622-2739

Alex F. Stuart, Esq.
Willoughby, Stuart & Bening
Fairmont Plaza
50 West San Fernando, Suite 400
San Jose, CA 95113
Telephone: (408) 289-1972
Facsimile: (408) 295-6375

Robert D. Dennison, Esq.
Harris, Green & Dennison
5959 W. Century Blvd., Suite 1100
Los Angeles, CA 90045
Telephone: (310) 665-8656
Facsimile: (310) 665-8659
rdd@h-glaw.net

Chip Cox, Esq.
Long & Levitt
465 California Street, 5th Floor
San Francisco, CA 94104
Telephone: (415) 438-4413
Facsimile: (415) 397-6392
chipc@longlevit.com

Executed on March 25, 2008, at San Francisco, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/s/ David A. Gabianelli
David A. Gabianelli